REMARKS

Rejection under 35 U.S.C. § 112, second paragraph

Claims 24, 25, and 26 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for reciting "system" instead of --computer readable medium--. Applicant has amended these claims to replace "system" with --computer readable medium--. Applicant requests the Examiner to withdraw the rejection.

Rejection under 35 U.S.C. § 102(e)

Claims 1 and 24-26 are rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,339,436 to Amro et al. (hereinafter Amro).

It is well settled that to anticipate a claim, the reference must teach every element of the claim. *See* M.P.E.P. § 2131. Moreover, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he elements must be arranged as required by the claim." *See* M.P.E.P. § 2131, citing *In re Bond*, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). Furthermore, in order for a reference to be anticipatory under 35 U.S.C. § 102 with respect to a claim, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." *See* M.P.E.P. § 2131, citing *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913 (Fed. Cir. 1989). Applicant respectfully submits that Amro does not satisfy these requirements.

Claim 1

Claim 1 recites, in part, "code for determining whether a series of user events is unrelated."

Applicant maintains the remarks presented in the amendment, dated September 16, 2004 and, accordingly, incorporates those remarks herein by reference. However, Applicant shall not repeat those remarks herein for the sake of brevity. Instead, Applicant shall address the specific comments of the Examiner contained in the Office Action, dated November 10, 2004.

In the Office Action, the Examiner asserts that Amro discloses a monitoring program that implements an event handling loop. The Examiner further asserts that Amro analyzes each event to determine whether a respective event is a "spy event" or a "user event." If the respective event is a spy event, help text is displayed. If the respective event is a user event, the user is allowed to create customized help text for subsequent display. Office Action, page 4. Upon this basis, the Examiner concludes that the system of Amro monitors multiple events and "compare[s] to show that a series of events are related or unrelated." Office Action, page 4.

Amro does monitor multiple events such as "spy events" and "user events." However, unlike the assertion by the Examiner, Amro does not determine "whether a series of user events is unrelated." Specifically, in Amro, a discrete event is analyzed upon its own to determine whether the event is a spy event or user event. No other event is employed for the determination made in Amro. Accordingly, there is no basis in Amro to support the assertion that the system in Amro determines "whether a series of user events is unrelated."

The Examiner attempts to address this shortcoming by stating that claims must be given their "broadest reasonable interpretation in light of the specification" (see MPEP § 2111). Office Action, page 2. However, this mandate from the MPEP includes a restriction upon the interpretation of the claims. Namely, the interpretation must be "reasonable." The attempt to read analyzing an isolated event to determine whether the isolated event is a spy event or user event to satisfy the limitation "code for determining whether a series of user events is unrelated" is unreasonable.

Claim 1 further recites "code for offering assistance to a user, wherein said code for offering assistance is operable upon determination by said code for determining that said series of user events is unrelated." Amro only displays help text when an individual event is a "spy event." Amro does not offer assistance when a series of user events is "unrelated" and fails to disclose the preceding limitation of claim 1.

Accordingly, Amro does not disclose each and every limitation of claim 1. Claims 24-26 depend from claim 1 and, hence, inherit all limitations of claim 1. Applicant submits that claims 1 and 24-26 are not anticipated by Amro.

Claim 24

Claim 24 recites "wherein said code for determining is operable to analyze a timing relationship between events in said series."

The Examiner asserts that Amro discloses the limitation of claim 24 and cites col. 2, line 59 through col. 3, line 13 of Amro to support the assertion. Col. 2, line 59 through col. 3, line 13 of Amro recites:

> When an event from the application occurs, information concerning this event is obtained from the operating system's event queue by the spy thread and sent to the event handling loop of the monitoring program (steps 204-218). The event handling loop determines which events to act upon and what the action should be. If the event is either a spy or user event, via step 204, the monitoring program searches the help text file for a corresponding help text, via step 206. If a corresponding help text is found, then the text is displayed in a text area, such as a window, integrally with the application, via step 210.
> If the event is specifically a user event, via step 212, then the monitoring program gets the user text updates for the event, via step 214. The help text file is then updated with the new help test, via step 216, with the help text stored as corresponding to the event.
> If the event is neither a spy event nor a user event, then it is another type of GUI event and the monitoring program handles it accordingly, via step 218. The monitoring program then loops back to the beginning of the event handling loop to await the next event. This continues until the monitoring program is terminated, via step 220.

The above relied-upon portion of Amro makes no mention of any timing relationship. Accordingly, there is simply no basis in Amro to support the assertion that an analysis of "a timing relationship between events in said series" occurs. Claim 24 is not anticipated by Amro.

Claim 25

Claim 25 recites "wherein said code for determining is operable to determine whether a plurality of menus are accessed by said user without invoking a program action associated with said plurality of menus."

The Examiner asserts that Amro discloses the limitation of claim 25 and cites col. 4, lines 1-15 to support the assertion. Col. 4, lines 1-15 of Amro recite:

User One 302 indicates his wish to add text to this empty help text window by clicking the right mouse button inside the window. User One's clicking of the right mouse button is recognized by the monitoring program 310 as a user event, via step 204. It searches the user-defined dynamic help text file 314 for a corresponding help text for the start screen, via step 206. Since there is no corresponding help text, an empty help text window continues to be displayed. Since the event is a user event, via step 212, the monitoring program 310 then gets User One's help text via step 214. For example, User One 302 may input "Select main vendor file to open . . . " as the help text. This help text is then stored in the user defined dynamic help text file 314, via step 216, as corresponding to start screen. The monitoring program 310 then loops back to await the next event.

Thus, Amro merely discloses enabling a user to enter user-defined help text by clicking inside a window. However, such disclosure is insufficient to disclose "wherein said code for determining is operable to determine whether a plurality of menus are accessed by said user without invoking a program action associated with said plurality of menus." Accordingly, claim 25 is not anticipated.

Rejections under 35 U.S.C. § 103(a)

Claim 2 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Amro.

Claims 3-6, 8-14, 17-18, 27-29, and 30-31 are rejected under 35 U.S.C. § 103(a) as being unpatenable over Amro in view of U.S. Patent No. 5,991,756 to Wu (hereinafter Wu).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the applied references must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Applicant submits that the applied references do not satisfy these criteria.

Claims 2-6

Claims 2-6 depend from claim 1 and, hence, inherit all limitations of claim 1. Claim 1 recites "code for determining whether a series of user events is unrelated" and "code for offering assistance to a user, wherein said code for offering assistance is operable upon determination by said code for determining that said series of user events is unrelated."

As previously discussed, Amro merely analyzes "spy" and "user" events on an isolated basis. Amro does not determine whether a series of user events is unrelated. Amro does not offer assistance when a series of user events is "unrelated." Wu does not cure these deficiencies in Amro, since Amro fails to teach or suggest the recited limitations. Wu is merely related to a search engine that returns documents according to multi-term queries. *See* Abstract of Wu. Because the system disclosed in Wu involves a search engine deployed on a web server, Wu is not concerned with events occurring on the user's system.

Moreover, a valid motivation to combine or modify has not been made. Specifically, in determining the propriety of an obviousness rejection, "it is necessary to ascertain whether or not the reference teachings appear to be sufficient for one of ordinary skill in the relevant art having the reference(s) before him to make the proposed substitution, combination, or other modification." MPEP § 2143.01, citing *In re Linter*, 173 USPQ 560, 562 (CCPA 1972). However, the references are directed to very different fields and technologies (e.g., software offering user assistance functionality and search engine functionality). There is no basis in the references to combine any teachings from these references. Accordingly, Applicant respectfully submits that the Examiner has applied impermissible hindsight to reconstruct the claimed subject matter from two very different technologies. Additionally, because the references are from two divergent technologies, it is highly uncertain that one of ordinary skill in the art would conclude that a reasonable likelihood of success of obtaining a useful system would be achieved by combining the two technologies.

Accordingly, Applicant respectfully submits that a prima facie case of obviousness has not been established for claims 2-6.

Claims 8-14 and 27-29

Claims 9-14 and 27-29 depend from claim 8 and, hence, inherit all limitations of claim 8. Claim 8 recites "determining whether said series of operating system events is unrelated" and "when said series of operating system events is unrelated, offering help to said user."

As previously discussed, Amro merely analyzes "spy" and "user" events on an isolated basis. Amro does not determine whether a series of operating system events is

unrelated. Amro does not offer help when a series of operating system events is "unrelated." Wu does not cure these deficiencies in Amro, since Amro fails to teach or suggest the recited limitations. The search engine operations of Wu do not have any connection to events occurring on the user's system. Additionally, a valid motivation to combine has not been established and a likelihood of success has not been established.

Applicant respectfully submits that a prima facie case of obviousness has not been established for these claims.

Claims 17, 18, 30, and 31

Claims 18, 30, and 31 depend from claim 17 and, hence, inherit all limitations of claim 17. Claim 17 recites "means for determining whether a series of events is a unrelated series" and "means for offering assistance to said user, wherein said means for offering assistance is operable to offer assistance when said means for determining determines that said series of events is a unrelated series."

As previously discussed, Amro merely analyzes "spy" and "user" events on an isolated basis. Amro does not determine whether a series of events is a unrelated series. Amro does not offer assistance when a series of events is "unrelated." Wu does not cure these deficiencies in Amro, since Amro fails to teach or suggest the recited limitation. The search engine operations of Wu do not have any connection to events occurring on the user's system. Additionally, a valid motivation to combine has not been established and a likelihood of success has not been established.

Applicant respectfully submits that a prima facie case of obviousness has not been established for these claims.

Conclusion

In view of the above, Applicant believes the pending application is in condition for allowance. Applicant believes no fee is due with this response. However, if a fee is due, please charge Deposit Account No. 08-2025, under Order No. 10005386-2 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV482746163US, envelope addressed to: MS AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Date of Deposit: January 10, 2005

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Respectfully submitted,

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